

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CHRISTOPHER VILSAINT,

Plaintiff,

23 CIVIL 5563 (PMH)

-against-

JUDGMENT

ANTHONY ANNUCCI,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated July 2, 2024, the Court finds no clear error in Magistrate Judge McCarthy's thorough and well-reasoned analysis and adopts the Report in its entirety for the reasons set forth therein. Accordingly, the motion to dismiss is GRANTED (Doc. 12) and the Petition is DISMISSED without prejudice. The Court further holds that because reasonable jurists would not find it debatable that Petitioner has failed to demonstrate by a substantial showing that he was denied a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Accordingly, the case is closed.

Dated: New York, New York
July 3, 2024

**DANIEL ORTIZ
Acting Clerk of Court**

BY:



Deputy Clerk